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VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER H. FEINBERG
PETER GUTMANN
WILLIAM J. FRANKLIN
JOHN F. GARZIGLIA
TODD J. PARRIOTT
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
LOUISE CYBULSKI #
NOT ADMITTED IN D.C.

PEPPER & CORAZZINI
ATTORNEYS AT LAW
200 MONTGOMERY BUILDING
1776 K STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 296-0600

ROBERT LEWIS THOMPSON
E. THEODORE MALLYCK
OF COUNSEL
FREDERICK W. FORD
1909-1986
TELECOPIER: (202) 296-5572

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AUDIO SERVICES DIVISION

August 20, 1991

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Informal Objection - Application of Jamie Leigh Woods
FCC File No. BPH-910225MH

Dear Ms. Searcy:

Transmitted herewith on behalf of Diane K. Hitt is an original and (6) copies of an "Informal Objection" to the above-referenced application of Jamie Leigh Woods.

Should any questions arise in connection with this matter, kindly communicate directly with the undersigned.

Respectfully submitted,

Howard J. Barr

HJB:cr

Enclosures

RECEIVED
AUG 21 1991
FM EXAMINERS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Application of	)	
	)	
JAMIE LEIGH WOODS	)	File No. BPH-910225MH
	)	
For Construction Permit for a New FM Station on FM Channel 228A at Rosamond, CA	)	

To: Mass Media Bureau

INFORMAL OBJECTION 5

Diane K. Hitt, by counsel and pursuant to Section 1.41 of the Commission's Rules, hereby submits her informal objection to the above-captioned application of Jamie Leigh Woods.[1/] The following is shown in support thereof:

1. Ms. Leigh answered question 11, Section V-B of FCC Form 301 in the affirmative. This question asks "Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315 (a) and (b)?" Section 73.315 governs transmitter location.

2. Section 73.315(a) requires that a minimum field strength of 70 dBu be provided over the entire community of license. Section 73.315(b) provides, in pertinent part:

> The location of the antenna should be chosen so that line-of-site can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path.

1/ Ms. Woods originally filed as a general partnership with Ulises Pierluissi d/b/a Desert Rose Broadcasting. Her application, along with Ms. Hitt's competing application, was accepted for filing by Public Notice, Report No. NA-147, released May 13, 1991.

The attached Engineering Statement demonstrates that Ms. Leigh has not heeded the admonition of Section 73.315(b) and is not in compliance with Section 73.315(a).

3. This Engineering Statement shows that a major obstruction exists at 8.7km and 2.6km along radials at 135° and 167° true. The Engineering Statement further shows that these obstructions cause significant terrain shielding. Forty four point one percent (44.1%) of the principal community of license lies outside Ms. Leigh's predicted 70 dBu contour as a result of this lack of line of site coverage and terrain shielding.

4. Ms. Hitt recognizes that line of site coverage is not an absolute requirement. See Rush County Broadcasting Co., Inc., 26 FCC 2d 480, 482 (1970). Applicant's, however, are admonished to avoid obstructions that will result in a lack of line of site coverage. Predicted 70 dBu coverage to a minimum of 80% of the community of license is, however, a requirement. See ABCD Corporation, 2 FCC Rcd 6551 (1987). A waiver is required if predicted city grade service falls below that level of service to the principal community. See John R. Hughes, 50 Fed. Reg. 5679, published February 11, 1985.

5. As shown above, Ms. Leigh will provide city grade service to only 65.9% of the principal community from her present tower site. Ms. Leigh has not requested a waiver. Ms. Leigh therefore is not now, nor can she ever be, in compliance with Section 73.315.

CONCLUSION

Wherefore, the premises considered, Ms. Leigh's application should be found unacceptable for filing and should be dismissed.

Respectfully submitted,

DIANE K. HITT

By: _____
John F. Garziglia
Howard J. Barr

Her Attorneys

Pepper & Corazzini
200 Montgomery Building
1776 K Street, N.W.
Washington, D.C. 20006
(202) 296-0600

August 20, 1991

ENGINEERING STATEMENT

The information and data contained within this Engineering Statement were prepared on behalf of Diane K. Hitt, in support of an Opposition to the pending application for construction permit of Jamie Leigh Woods (formerly Desert Rose Broadcasting), BPH-910225MH, to build a new Class A FM broadcast station on Channel 228, 93.5 Megahertz, to serve the community of Rosamond, California.

I. OPPOSITION

The Jamie Leigh Woods application for construction permit was reviewed for compliance with FCC Rules applicable at the time of tender. On page 3 of Section V-B of the FCC Form 301 supporting the Woods application, the applicant certified that the proposed 3.16 mV/m (70 dBμ) contour would completely encompass the principal community without major terrain obstruction, by responding affirmatively to question 11. A copy of page 3 of Section V-B is attached and labelled "Exhibit 1."

The average elevations from 3 to 16 kilometers on radials spaced at one degree azimuthal intervals from the antenna were determined from topographic data obtained from the computerized 30-second point elevation database version of **Elevation Data For North America**, available from the Department of Commerce, National Geophysical Data Center, National Oceanic and Atmospheric Administration. A total of 501 points along each radial were linearly interpolated according to the requirements of §73.312(d).

Along each of these radials the distance to the Woods 70 dBμ principal community contour was computed according to computer methods outlined in F.C.C. publication PB-249144, **Field Strength Calculations for TV And FM Broadcasting**. The computer methods use digitized data taken directly from the graph of §73.333 Figure 1. Intermediate values are obtained using bivariate interpolation techniques for surface fitting.

Terrain profile graphs were generated from the aforementioned database along radials at 135° and 167° True, and are attached as Exhibits 2 and 3, hereto. The portions of these profiles that lie over the Rosamond community limits are indicated on each profile graph. The graphs show predominant terrain obstructions at 8.7 and 2.6 kilometers along the 135° and 167° radials, respectively. These obstructions cause significant terrain shielding over portions of the community of Rosamond.

Attached Exhibit 4 is a cartographic representation of the Rosamond community limits, the Woods 70 dBμ F(50,50) service contour and terrain shielding lines evaluated for each degree of azimuth. The distances to the contour were based on an antenna radiation center above mean sea level of 971 meters. A receiving antenna height of 9 meters was assumed at each point along each of the 360 radials and the earth radius was taken to be 4/3 of the actual radius to account for atmospheric refraction. If the receiving antenna 9 meters above ground was not visible from

the proposed transmitting antenna radiation center, the point on the ground was considered subject to terrain shielding and not within line-of-sight of the transmitting antenna.

The land area contained within the Rosamond community limits was measured using a precision compensating polar planimeter and found to be 230.20 square kilometers. The area within Rosamond subject to terrain shielding was also measured at 74.10 square kilometers, and the area within Rosamond but outside the proposed 70 dBμ contour was determined to be 27.33 square kilometers.

Therefore, the sum of the area within Rosamond that is outside the proposed 70 dBμ contour, and the areas that are not within line-of-sight from the proposed antenna radiation center within the community total 101.43 square kilometers, or 44.1 percent of the community of Rosamond.

From the map of Exhibit 4, it is clear that substantial terrain shielding exists over a large portion of the principal community of Rosamond. This violates §73.315(b) which explicitly states, in relevant part, "The location of the antenna should be so chosen that line-of-sight can be obtained from the antenna over the principle [sic] city or cities to be served; **in no event should there be a major obstruction in this path.**" (emphasis added).

Clearly, the proposed facility does not satisfy the requirements of §73.315(a) and §73.315(b). Compliance with §73.315 is fundamental to the acceptability of an application and since the applicant did not request a waiver of the Rule, the application is flawed and must be returned.

II. BOUNDARIES OF ROSAMOND

Rosamond is an unincorporated area in the Antelope Valley within Kern County. The U.S. post offices at Edwards Air Force Base and Rosamond were contacted and supplied postal boundaries for the area served by the Rosamond Post Office. The boundaries given by both post offices were identical so it is believed that these boundaries represent the most accurate determination of the unincorporated area of Rosamond.

These boundaries were compared to the area serviced by the Rosamond Community Services District (RCSD) which supplies water and sewer services to the community of Rosamond. According to the RCSD, the postal representation is correct except that sewer and water service only extends west to 53rd Street West. However, the growth of Rosamond is to the west and sewer and water services will extend to 170th Street West within one year or less, according to the RCSD. The westerly boundary of Rosamond as shown on Exhibit 4 is 170th Street West. Presently, the Rosamond School District service boundaries also extend to 170th Street West.

EXHIBIT 1

10. Is a directional antenna proposed? ☐ Yes ■ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field. Exhibit No. DNA

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)? ■ Yes ☐ No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service. Exhibit No. DNA

12. Will the main studio be within the protected 3.16 mV/m field strength contour of this proposal? ■ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125. Exhibit No. DNA

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207? ☐ Yes ■ No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply? ■ Yes ☐ No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers. See Exhibit E – "Channel Utilization" Exhibit No. E

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose. Exhibit No. DNA

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following: Exhibit No. DNA

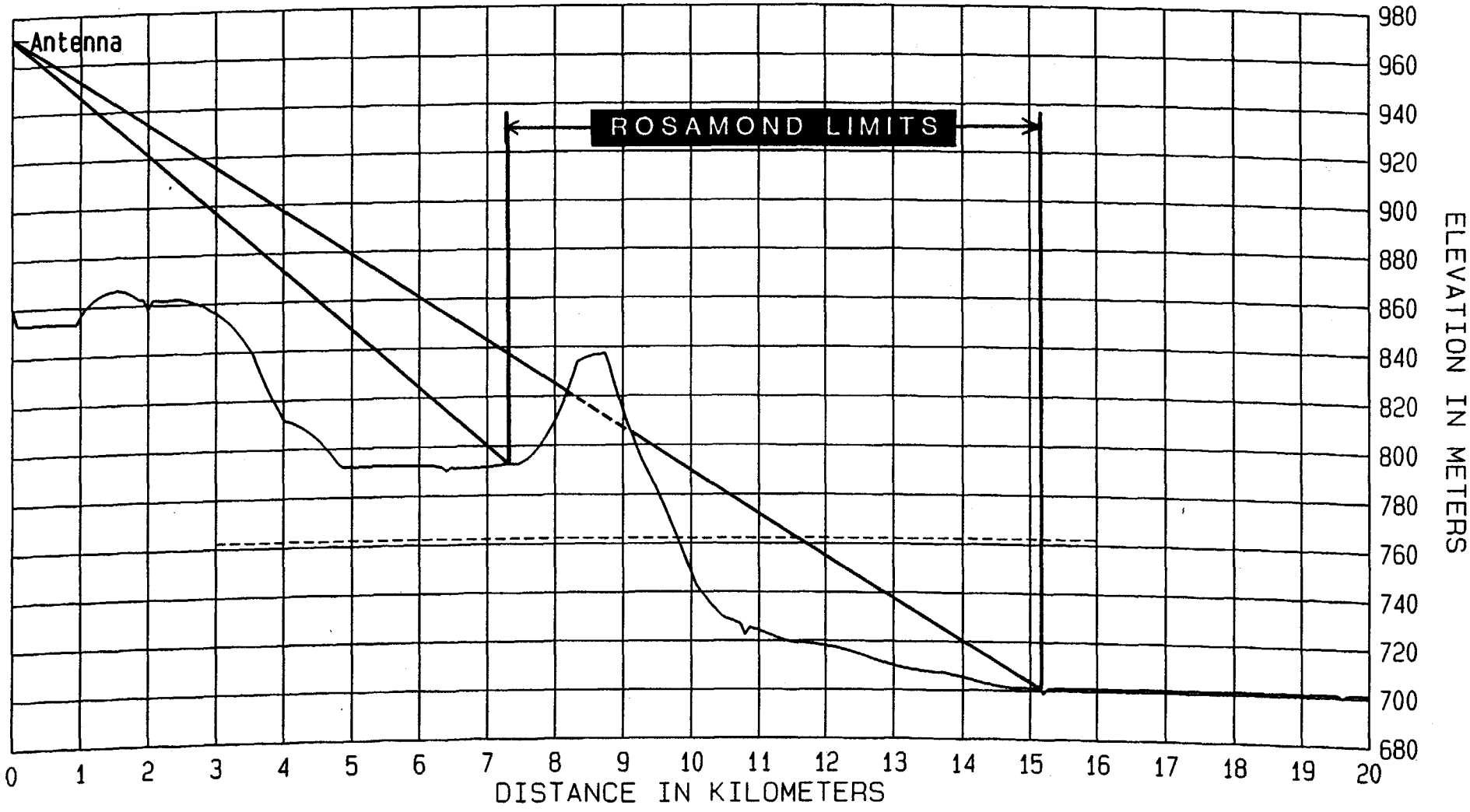
(1) Protected and interfering contours, in all directions (360°), for the proposed operation.
(2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
(3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
(4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
(5) The official title(s) of the map(s) used in the exhibits(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast *(except citizens band or amateur)* radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference? ☐ Yes ■ No See Exhibit E – "Neighboring Broadcast and Non-Broadcast Facilities"

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. *(See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)* Exhibit No. DNA

EXHIBIT 2

Average Radial Elevation =	762.23 Meters AMSL
Antenna Radiation Center =	971.00 Meters AMSL



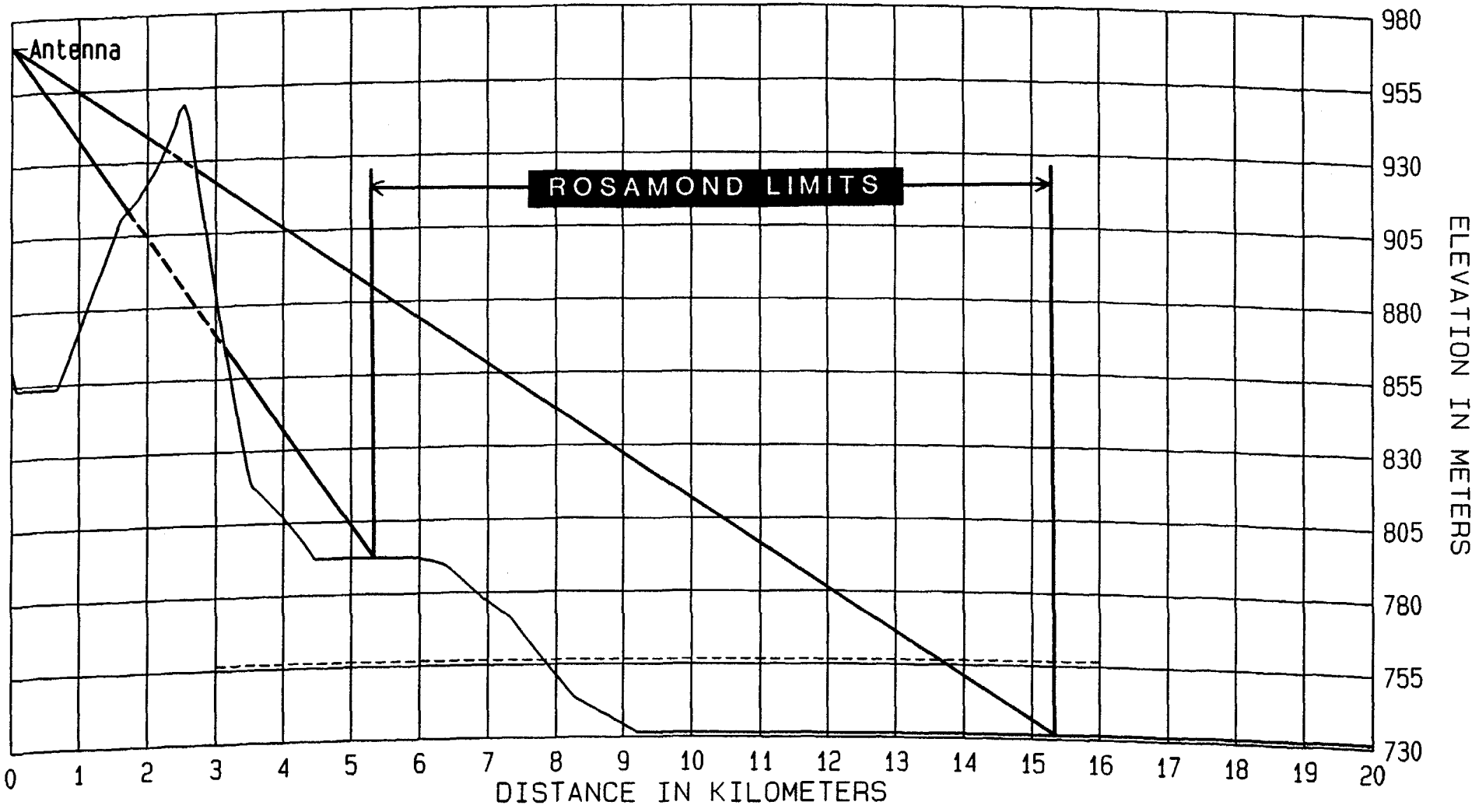
N 135.0° E Radial

JAMIE LEIGH WOODS, BPH-910225MH

LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

EXHIBIT 3

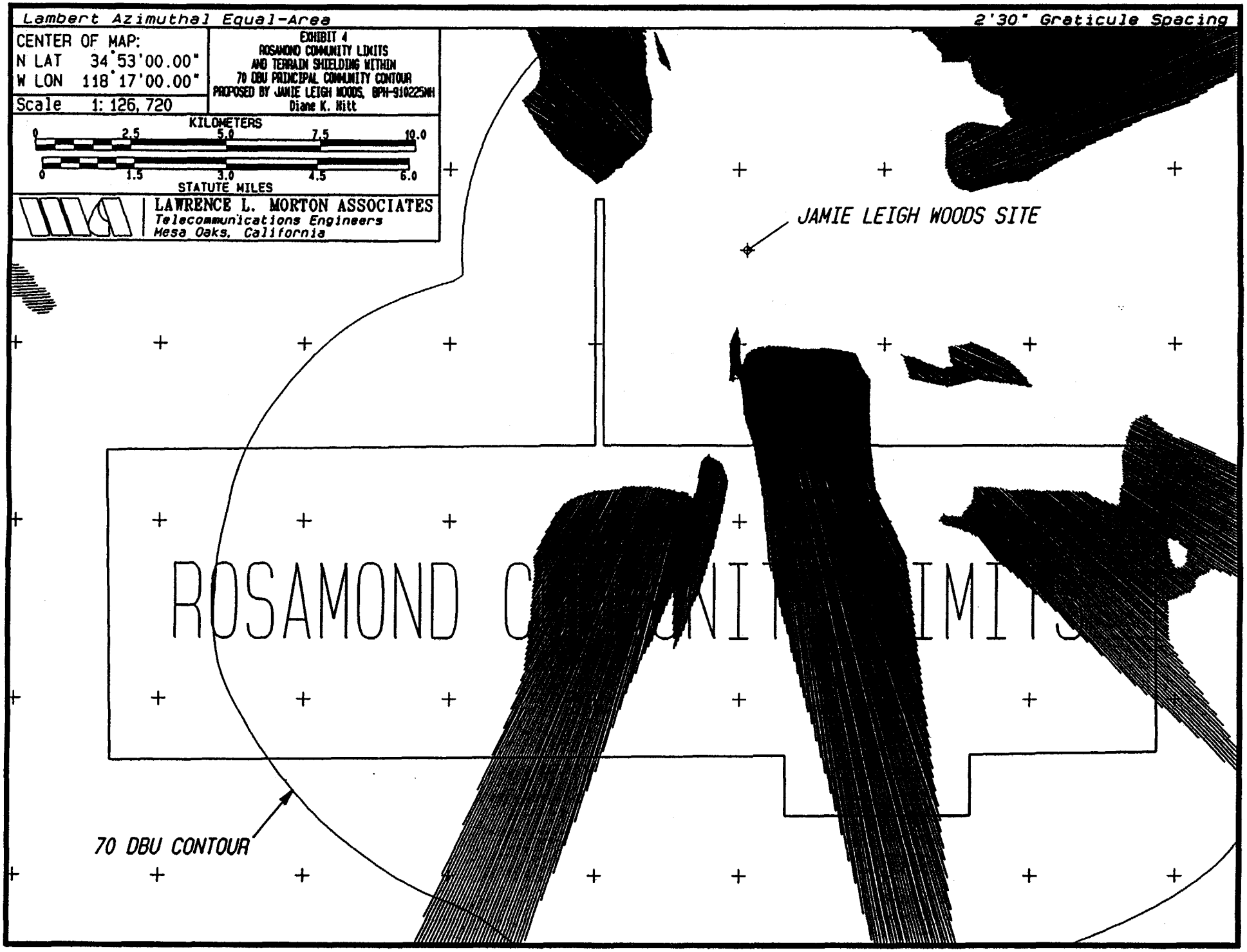
Average Radial Elevation =	756.62 Meters AMSL
Antenna Radiation Center =	971.00 Meters AMSL



N 167.0° E Radial

JAMIE LEIGH WOODS, BPH-910225MH

LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California


Lambert Azimuthal Equal-Area
2'30" Graticule Spacing
CENTER OF MAP:
N LAT 34°53'00.00"
W LON 118°17'00.00"
Scale 1: 126, 720
EXHIBIT 4
ROSAMOND COMMUNITY LIMITS
AND TERRAIN SHIELDING WITHIN
70 DBU PRINCIPAL COMMUNITY CONTOUR
PROPOSED BY JAMIE LEIGH WOODS, BPH-910225MH
Diane K. Hitt
KILOMETERS
0 2.5 5.0 7.5 10.0
0 1.5 3.0 4.5 6.0
STATUTE MILES
LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California
JAMIE LEIGH WOODS SITE
ROSAMOND C NITY LIMITS
70 DBU CONTOUR

AFFIDAVIT

State of California)
) **ss:**
County of Orange)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits which have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: August 9, 1991

Lawrence L. Morton, P.E.

On August 9, 1991, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/94

Notary Public

OFFICIAL SEAL
NANCY A. CHASE
Notary Public California
ORANGE COUNTY
My Comm. Expires Nov. 30, 199

CERTIFICATE OF SERVICE

I, Claudia Roberts, a secretary with the law firm of Pepper & Corazzini, do hereby certify that a true and correct copy of the foregoing "Informal Objection" has been served upon the following individuals by U.S. mail, postage prepaid, on this 20th day of August, 1991.

Arthur V. Belendiuk
Smithwick & Belendiuk
2033 M Street, N.W.
Suite 207
Washington, D.C. 20036

Claudia Roberts